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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: G. Gundling

Group Art No.: 1637

Application No.: 09/470,944

Examiner: A. Spiegler

TECH CENTER 1600/2900

Filed: December 22, 1999

Title: NUCLEIC ACID ISOLATION
METHOD AND KIT

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:
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Case No.: 6653.US.01

Date of Deposit: November 26, 2002

Matthew H. Mader 11/26/02
Matthew H. Mader Date

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

In response to the Office Action dated May 30, 2002, please enter the following amendments and consider the following remarks.

AMENDMENTS

In the Claims:

Please cancel claim 11 without prejudice so as to reduce the number of potential issues in the subject prosecution, and thereby expedite the same.

1. (Four Times Amended) A method for separating nucleic acid from a test sample comprising:

a) contacting a test sample with a metal oxide support material and a binding buffer such that the nucleic acid bonds with the metal oxide support material without prior purification or precipitation of the nucleic acid, wherein the binding buffer comprises

a chaotropic agent and
a detergent

and the flashpoint of the binding buffer is greater than 130 degrees Fahrenheit;

b) separating the complexes from the test sample; and

c) eluting the nucleic acid from the metal oxide support material, thereby separating the nucleic acid from the test sample,